

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-00023-RJC

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

KEITH F. SIMMONS, et al.,

Defendants, and

LAWRENCE SALAZAR, et al.,

Relief Defendants.

ORDER

THIS MATTER comes before the Court on the motion of Plaintiff U.S. Commodity Futures Trading Commission (“CFTC”) for Rule 54(b) certification and entry of final judgment against Relief Defendant Shiloh Estate, LLC (“Shiloh”). (Doc. No. 187). The motion recites that Shiloh takes no position on the CFTC’s motion, and the time for response and briefing has expired without opposition by Shiloh.

The CFTC requests that the Court certify and enter as final judgment its March 29, 2017, summary judgment Order, (Doc. No. 177), against Shiloh in accordance with the terms of that Order. The Court, having reviewed the applicable pleadings, finds that its March 29, 2017, Order constitutes the final disposition of all claims between CFTC and Shiloh, and that, having considered the factors set forth in *Braswell Shipyards, Inc. v. Beazer East, Inc.*, 2 F.3d 1331 (4th Cir. 1993), and finding that the factors weigh in favor of certification and entry of final judgment,

the Court is of the opinion that there is no just reason for delay in entering final judgment against Shiloh, therefore, Plaintiff's motion should be granted.

IT IS, THEREFORE, ORDERED that CFTC's Motion for Rule 54(b) Certification and Entry of Final Judgment Against Relief Defendant Shiloh Estate, LLC, (Doc. No. 187), is **GRANTED**. The Court certifies the March 29, 2017, summary judgment Order, (Doc. No. 177), and, therefore, respectfully directs the Clerk of Court to enter final judgment as to Relief Defendant Shiloh Estate, LLC in accordance with its terms.

Signed: September 18, 2017

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

